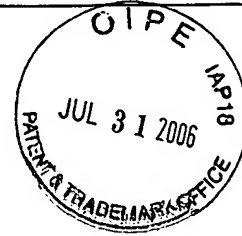


TRANSMITTAL FORM

Attorney Docket No.
K35R1764/2348PIn re the application of: **Seagle, et al.**Confirmation No: **4063**Serial No: **10/087,505**Group Art Unit: **2627**Filed: **March 1, 2002**Examiner: **Davis, David D.**For: **Pedestal Defined Zero Throat Writer Having A Recessed Pedestal**

ENCLOSURES (check all that apply)

| | | | | | |
|--------------------------|-------------------------------------|---|--|-------------------------------------|---|
| <input type="checkbox"/> | Amendment/Reply | <input type="checkbox"/> | Assignment and Recordation Cover Sheet | <input type="checkbox"/> | After Allowance Communication to Group |
| <input type="checkbox"/> | After Final | <input type="checkbox"/> | Part B-Issue Fee Transmittal | <input type="checkbox"/> | Notice of Appeal |
| <input type="checkbox"/> | Information disclosure statement | <input type="checkbox"/> | Letter to Draftsman | <input type="checkbox"/> | Appeal Brief |
| <input type="checkbox"/> | Substitute Form 1449 | <input type="checkbox"/> | Drawings | <input checked="" type="checkbox"/> | Reply Brief |
| <input type="checkbox"/> | Reference Copies | <input type="checkbox"/> | Petition | <input checked="" type="checkbox"/> | Postcard |
| <input type="checkbox"/> | Extension of Time Request * | <input type="checkbox"/> | Fee Address Indication Form | <input type="checkbox"/> | Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> | Express Abandonment | <input type="checkbox"/> | Terminal Disclaimer | | |
| <input type="checkbox"/> | Certified Copy of Priority Doc | <input type="checkbox"/> | Power of Attorney and Revocation of Prior Powers | | |
| <input type="checkbox"/> | Response to Incomplete Appln | <input type="checkbox"/> | Change of Correspondence Address | | |
| <input type="checkbox"/> | Response to Missing Parts | *Extension of Term: Pursuant to 37 CFR 1.136, Applicant petitions the Commissioner to extend the time for response for xxxxxx month(s), from to . | | | |
| <input type="checkbox"/> | Executed Declaration by Inventor(s) | | | | |

CLAIMS

| FOR | Claims Remaining After Amendment | Highest # of Claims Previously Paid For | Extra Claims | RATE | FEE |
|--------------------|----------------------------------|---|--------------|----------|---------|
| Total Claims | 0 | 0 | 0 | \$ 50.00 | \$ 0.00 |
| Independent Claims | 0 | 0 | 0 | \$200.00 | \$ 0.00 |
| Total Fees | | | | | \$ 0.00 |

METHOD OF PAYMENT

| | |
|-------------------------------------|--|
| <input type="checkbox"/> | Check no. _____ in the amount of \$ _____ is enclosed for payment of fees. |
| <input type="checkbox"/> | Charge \$ _____ to Deposit Account No. _____ (Account Holder Name) for payment of fees. |
| <input checked="" type="checkbox"/> | Charge any fees or credit any overpayment to Deposit Account No. <u>02-2120</u> (Sawyer Law Group LLP) |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|---------------|---|
| Attorney Name | Janyce R. Mitchell, Reg. No. 40,095 |
| Signature | /Janyce R. Mitchell/Reg. No. 40,095 Janyce R. Mitchell |
| Date | July 25, 2006 |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief – Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 7/25/2006.

| | |
|----------------------|-----------|
| Type or printed name | Kym Moore |
| Signature | |



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPEAL NO:

In Re Application of:

Seagle, et al.

Serial No: 10/087,505

Filed: March 1, 2002

Date: July 25, 2006

Confirmation No: 4063

Group Art Unit: 2627

Examiner: Davis, D.D.

For: PEDESTAL DEFINED ZERO THROAT WRITER HAVING A
RECESSED PEDESTAL

REPLY BRIEF

Janyce R. Mitchell
Attorney for Appellants
WESTERN DIGITAL, CORP.
Sawyer Law Group LLP

TOPICAL INDEX

I. REAL PARTY IN INTEREST

II. RELATED APPEALS AND INTERFERENCES

III. STATUS OF CLAIMS

IV. STATUS OF AMENDMENTS

V. SUMMARY OF THE INVENTION

VI. GROUPING OF CLAIMS

VII. ARGUMENTS

- A. Summary of the Applied Rejection
- B. The Cited Prior Art
- C. Claims 1-11 Are Not Unpatentable Under 35 U.S.C. § 102.
- D. Summary of Arguments

VIII. CLAIMS APPENDIX

IX. EVIDENCE APPENDIX

X. RELATED PROCEEDINGS APPENDIX



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

APPEAL NO:

In Re Application of:

Date: July 25, 2006

Seagle, et al.

Confirmation No: 4063

Serial No: 10/087,505

Group Art Unit: 2627

Filed: March 1, 2002

Examiner: Davis, D.D.

For: PEDESTAL DEFINED ZERO THROAT WRITER HAVING A
RECESSED PEDESTAL

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANT'S REPLY TO EXAMINER'S ANSWER

Sir:

Appellant herein files an Appeal Brief drafted in accordance with the provisions of 37

C.F.R. § 1.192(c) as follows:

I. REAL PARTY IN INTEREST

A statement identifying the Real Party in Interest is contained in the Appeal Brief.

II. RELATED APPEALS AND INTERFERENCES

A statement identifying the related appeals and interferences is contained in the Appeal Brief.

III. STATUS OF CLAIMS

A statement identifying the status of the claims is contained in the Appeal Brief.

IV. STATUS OF AMENDMENT

A statement identifying the status of amendments is contained in the Appeal Brief.

V. SUMMARY OF THE INVENTION

A statement summarizing the invention is contained in the Appeal Brief. Appellant also respectfully reiterates that the present invention provides a method and system for providing a pedestal defined zero throat (PDZT) write head. The method and system comprise providing a first pole having a pedestal, providing a gap and providing a second pole. The first pole has a pedestal. The gap separates the pedestal of the first pole from a portion of the second pole. The pedestal has a front, a back, a top and a bottom. The back of the pedestal has a recess therein, which runs from the top of the pedestal to the bottom of the pedestal. The second pole has a substantially flat bottom which extends over the gap and beyond the back of the pedestal. Thus, the back of the pedestal also defines the zero throat height. Such a PDZT head may have improved performance in the form of a lower rise time, improved writeability, and reduced inadvertent erasing of adjacent tracks. Specification, page 5, lines 11-19.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 are each unpatentable under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,624,971 (Sasaki).

VII. ARGUMENTS

A. Summary of the Applied Rejections

A summary of the rejections is contained in the Appeal Brief. In the Examiner's Answer, the Examiner noted FIG. 6 of Sasaki depicts a pedestal 27A. The Examiner further stated that the FIG. 14 depicts a second pole 27C having a bottom surface, a portion of which extends beyond the back of the pedestal and that is substantially flat such that the zero throat height is defined by the pedestal 27A. The Examiner cited these portions of Sasaki as teaching the combination of elements recited in independent claims 1 and 6.

In addition, in the Examiner's Reply Brief, the Examiner's Response to Argument discussed Appellant's arguments regarding the "trim structure." In particular, in section (10) of the Examiner's Response, the Examiner stated:

[w]hether or not Sasaki calls pedestal 27A or a trim structure of anything else is not germane. . . Additionally, whether or not pedestal 27A has the same shape or not is also not germane. Appellant claims a pedestal with a recess, and figure 6 clear [sic] shows, by way of the hatching, that first pole 7 has pedestal 27A. Whether or not there are additionally layers on pedestal 27A does not affect the existence of pedestal 27A.

Appellant respectfully requests that the Board reverse the Examiner's final rejection of claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 under 35 U.S.C. § 102.

B. The Cited Prior Art

Sasaki teaches a write head. For example, items 7 and 9 of Figs. 4A, 6, 13, and 14 of Sasaki are the first (bottom) pole and the write gap. However, Sasaki states that the **top** pole tip

includes item 27A and is shaped with a recess 60. Sasaki, col. 11, lines 13-19 and Figs. 5-9. Thus, item 27A is a pole tip for the second pole. In describing formation of the write head, Sasaki also states that the pole 7 includes a raised portion that is under item 9 and shares the shape of the pole tip 27A. Sasaki, col. 11, lines 37-45 and FIG. 6; items 7, 9, and 27A. A top pole 27C is then completed. Sasaki, col. 11, line 63-col. 12, line 11. Thus, *both* the top pole tip 27A and the bottom pole 7 include a recess.

Fig. 14 also depicts a write head having a pole tip 27A for the second pole. Sasaki's discussion of Fig. 14 states that the pole depicted in Fig. 14 is a modification of the pole depicted in Fig. 6. Sasaki further states that the modification is that the "position of the edge face 22 on the front side (air bearing surface side) in the connection portion 27C(2) of the top pole 27C may cross the position of the edge face T1 and extend so as to overlap a part of the intermediate coupling portion 27A(2)." Sasaki, col. 18, lines 46-51. Fig. 14 of Sasaki thus describes a change in the location at which the top portion of the second pole, item 27C, attaches to the pole tip 27A. The pole tip 27A is presumably still the same as shown in FIG. 6 of Sasaki.

C. Claims 1-11 Are Not Anticipated Under 35 U.S.C. § 102.

Appellant respectfully submits that the applied rejections of claims 1 and 6 under 35 U.S.C. § 102 are not proper because the Examiner can not explain why Sasaki teaches or suggests the methods recited in claims 1 and 6. As previously discussed, claim 1 requires *both* a first (bottom) pole having a pedestal including a recess and a second (top) pole having a substantially flat bottom surface such that the pedestal of the first pole defines the zero throat height of the write head. Claim 6 recites an analogous method claim.

The cited figures of Sasaki teach that *two* features on two different poles are raised and have a recess having the same shape and at the same location. The top pole has a pole tip 27A. The bottom pole 7 has a raised portion (the “trim structure”). Consequently, both poles may be considered to have a pole tip (or pedestal) that has a recess. Thus, both poles have structures that define the throat height. For similar reasons, neither pole has a substantially flat surface. Thus, Sasaki fails to describe a combination of elements including *both* a first (bottom) pole having a pedestal with a recess *and* a second (top) pole having a substantially flat bottom surface such that the pedestal of the first pole defines the zero throat height of the write head. Consequently, the cited portions of Sasaki do fail to teach or suggest the PDZT head and method recited in claims 1 and 6, respectively.

Appellant also notes that Appellant’s arguments regarding the pole tip and trim structure are not based merely upon terminology. Instead, they are based upon Sasaki’s teaching that the pole tip 27A and trim structure in the bottom pole 7 are two different features. These features share the same shape, which precludes one of the poles from having a substantially flat bottom that allows only the pole tip/structure of the other pole to define the zero throat height. Consequently, as discussed above, the cited portions of Sasaki fail to teach or suggest the recited combination of elements in claims 1 and 6. Accordingly, Appellant respectfully submits that claims 1 and 6 are allowable over the cited references.

Claims 2, 3, 4, and 5 depend on independent claim 1. Claims 7, 8, 9, 10 and 11 depend on independent claim 6. Consequently, claims 2-5 and 7-11 are allowable for the same reasons discussed above with respect to claim 1.

Accordingly Appellant respectfully requests that the Board reverse the final rejection of claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 under 35 U.S.C. § 102.

E. Summary of Arguments

For all the foregoing reasons, it is respectfully submitted that claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 (all the claims presently in the application) are patentable for defining subject matter which would not have been anticipated under 35 U.S.C. § 102(e) and would have been nonobvious under 35 U.S.C. § 103 at the time the subject matter was invented. Thus, Appellant respectfully requests that the Board reverse the rejection of all the appealed claims and find each of these claims allowable.

This Reply Brief is being submitted in triplicate, and authorization for payment of the required Reply Brief fee is contained in the cover letter for this Reply Brief. Please charge any fee that may be necessary for the continued pendency of this application to Deposit Account No.

Very truly yours,

July 25, 2006

/Janyce R. Mitchell/Reg. No. 40,095

Janyce R. Mitchell
Attorney for Appellants
Reg. No. 40,095
(650) 493-4540

VIII. CLAIMS APPENDIX

1. A pedestal defined zero throat write head comprising:

a first pole having a pedestal, the pedestal having a front, a back, a top and a bottom, the back of the pedestal having a recess therein, the recess running from the top of the pedestal to the bottom of the pedestal;

a second pole;

a gap separating the pedestal of the first pole from a portion of the second pole;

wherein the second pole has a bottom surface, a portion of the bottom surface extending over the pedestal and along the gap beyond the back of the pedestal and being substantially flat such that a zero throat height of the write head is defined by the pedestal.

2. The pedestal defined zero throat write head of claim 1 wherein the recess includes a first edge and a second edge, the first edge and the second edge being directly under a portion of the second pole.

3. The pedestal defined zero throat write head of claim 1 wherein the recess includes a first edge and a second edge, the first edge and the second edge being outside of the second pole.

4. The pedestal defined zero throat write head of claim 1 wherein the second pole further includes a nose and wherein a portion of the pedestal is directly under the nose.

5. The pedestal defined zero throat write head of claim 1 further comprising:

at least one coil between the first pole and the second pole.

6. A method for providing pedestal defined zero throat write head comprising the steps of:

(a) providing a first pole having a pedestal, the pedestal having a front, a back, a top and a bottom, the back of the pedestal having a recess therein, the recess running from the top of the pedestal to the bottom of the pedestal;

(b) providing a gap above the pedestal;

(c) providing a second pole, the gap separating the pedestal from a portion of the second pole;

wherein the second pole providing step (c) further includes the step of:

(c1) providing the second pole such that the second pole has a bottom surface, a portion of the bottom surface extending over the pedestal and along the gap beyond the back of the pedestal and being substantially flat such that a zero throat height of the write head is defined by the pedestal.

7. The method of claim 6 wherein the first pole providing step (a) further includes the steps of:

(a1) depositing the pedestal; and

(a2) removing a portion of the pedestal to provide the recess.

8. The method of claim 6 wherein the first pole providing step (a) further includes the step of:

(a1) providing the recess having a first edge and a second edge such that the first edge and the second edge are directly under a portion of the second pole.

9. The method of claim 6 wherein the first pole providing step (a) further includes the step of:

(a1) providing the recess having a first edge and a second edge such that the first edge and the second edge are outside of the second pole.

10. The method of claim 1 wherein the second pole providing step (c) further includes the step of:

(c2) providing a nose such that a portion of the pedestal is directly under the nose.

11. The method of claim 6 further comprising the step of:

(d) providing at least one coil between the first pole and the second pole.

IX. EVIDENCE APPENDIX

X. RELATED PROCEEDINGS APPENDIX